

# NEPA

# on Fire

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A monthly fact sheet about fuels treatments and the NEPA process.

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A forum for fuels specialists;  
NEPA coordinators, writers,  
and editors; silviculturists; and  
others interested in  
accomplishing fuels hazard  
reduction projects.



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## Framework Formed to Reduce Hazardous Fuels and Restore Healthy Forests

The [President's Healthy Forest Initiative](#) estimates that about 190 million acres of Federal forest and rangelands, an area twice the size of California, are at high risk of dangerous wildland fires and large-scale insect and disease epidemics.

Long-term drought and the expansion of the wildland-urban interface in the Western United States are factors that have added to the increased risk of dangerous wildland fire. However, the current wildland fire threat is primarily attributed to the buildup of hazardous fuels on our nation's forests and grassland during the last century. Dense tree stands competing for limited water and nutrients are at increased risk of intense

fires and insect and disease epidemics.

In 2001, the Congress funded the [National Fire Plan](#) to reduce hazardous fuels and restore forests and rangeland. In response, the Secretaries of Agriculture and the Interior, along with Western Governors and other stakeholders, developed a [10-year strategy](#) and implementation plan for protecting communities and the environment. This plan, coupled with the [Federal Wildland Fire Management Policy \(2001\)](#), forms a framework for Federal agencies, together with States, tribes, and local communities, to reduce the threat of fire, improve the condition of the land, and restore forest and rangeland health.

## Interim Field Guide Helps Manage Hazardous-fuels Reduction Projects

The Healthy Forests Initiative (HFI) and Healthy Forests Restoration Act (HFRA) [Interim Field Guide](#) provides guidance to field managers and line officers of the Forest Service and Bureau of Land Management on how to implement hazardous-fuel reduction projects. The field guide, a companion to the NEPA selection tool and other resources available on the Healthy Forest website, is periodically updated to include information on HFRA, Titles II-VI. For the latest version, visit <<http://www.fs.fed.us/projects/hfi/field-guide/>>.



The field guide addresses the administrative and legal issues resource managers should consider when preparing and processing fuels reduction and forest restoration projects. Many administrative and procedural requirements governing these projects have been modernized during the past 2 years. New procedures and the circumstances under which they might be used are discussed in this field guide.

# Healthy Forests Initiative Streamlines Administrative Procedures

The Healthy Forests Initiative (HFI) was launched in August 2002 to streamline and expedite administrative procedures for hazardous-fuels reduction and ecosystem restoration projects on Federal land. Administrative actions under the HFI include:

## 1. National Environmental Policy Act (NEPA) Categorical Exclusion

—New categorical exclusion procedures allow certain fuel-treatment and forest-restoration projects to proceed without lengthy environmental documentation (i.e., Category 31.2(10) mechanical treatment and prescribed fires and 31.2(11) to post-fire rehabilitation activities). The new procedures require agencies to identify projects to be undertaken in collaboration with State, local, and tribal governments, landowners, and other stakeholders.

## 2. Forest Service Appeals Rule Amendment

—The Forest Service amended the rules for project appeals to hasten the review of forest health projects. Early and meaningful public participation in the decisionmaking process benefits communities and makes the appeals process less cumbersome. Early public participation results in timely project decisions and allows for faster implementation of forest health projects.



## 3. Streamlined Endangered Species Act (ESA) Procedures

—On January 7, 2004, joint ESA counterpart regulations of the Departments of the Interior, Agriculture, and Commerce became effective. The regulations streamline the consultation process under Section 7 of the ESA for projects within the scope of the National Fire Plan, while maintaining protection for threatened and endangered species. The process provides an alternative to informal consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service on actions determined “not likely to adversely affect” any listed species or designated critical habitat.

In addition to the joint counterpart regulations, the Director of the U.S. Fish and Wildlife Service and the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, issued guidance to their regional offices on two aspects

of consultation under Section 7 of ESA. The first directive, issued on October 11, 2002, stresses the need to work with the action agencies to streamline the Section 7 consultation process. The second directive, issued on December 10, 2002, provides additional guidance to regional offices, requiring an evaluation of the long-term net benefit of hazardous-fuels treatment projects.

## 4. Stewardship Contracting

—Congress enacted legislation expanding stewardship contracting authority, which allows the Forest Service and Bureau of Land Management to enter into long-term contracts (up to 10 years) to reduce the risk of wildland fire and to improve forest and rangeland health. Stewardship contracts focus on improving forest and rangeland health and providing benefits to communities. Among other things, the new authority allows the exchange of forest products for services, such as thinning and removing brush.

# Healthy Forests Restoration Act Simplifies Fuels Reduction Projects

The Healthy Forests Restoration Act of 2003 (HFRA) (Public Law 108-148) contains a variety of provisions to simplify hazardous-fuels reduction and forest restoration projects on specific types of Federal land that are at risk of wildland fire or insect and disease epidemics. HFRA helps rural communities, States, tribes, and landowners restore healthy forest conditions on State, tribal, and private lands.

## HFRA

- Encourages biomass removal from public and private lands,
- Authorizes large-scale silvicultural research,
- Authorizes acquisition of conservation easements to protect threatened and endangered species and their habitats, and
- Directs the establishment of monitoring and early warning systems for insect and disease outbreaks.

Title I of the Act addresses vegetation treatments on certain types of National Forest System and Bureau of Land Management lands that are at risk of wildland fire or insect and disease epidemics. This title:

- Encourages streamlined environmental analysis of HFRA projects;
- Provides for administrative review of proposed HFRA projects on National Forest System lands before decisions are issued;
- Contains requirements governing the maintenance and restoration of old-growth forest stands when the Forest Service and BLM conduct HFRA projects in such stands;
- Requires HFRA projects in the Forest Service and BLM to maximize retention of larger trees in areas other than old-growth stands, consistent with the objective of restoring fire-resilient stands and protecting at-risk communities and Federal lands;

- Encourages collaboration between Federal agencies and local communities when community wildland fire protection plans are prepared;
- Requires using at least 50% of the dollars allocated to HFRA projects to protect communities at risk of wildland fire;
- Requires performance to be monitored when agencies conduct hazardous-fuel reduction projects and encourages multiparty monitoring that includes communities and other stakeholders; and
- Encourages courts that consider a request for an injunction on an HFRA-authorized project to balance the environmental effects of undertaking the project against the effects of failing to do so.



*Burning piles.* 2003. A member of the Bandelier Fire crew gathers limbs to add to the burning piles. This was part of a thinning project designed to create a fuel break along State Road 4, the major road that traverses the Jemez Mountains in northern New Mexico. Photo by Kristen Honig, National Park Service.



## Healthy Forest Restoration Act Implementation

Specific actions necessary to implement HFRA include:

- Establishing a process to identify at risk communities.
- Developing programs of work for fuels reduction projects and specify how the plans will give priority to communities at risk.
- Assisting local communities in development of public protection plans for fuels reduction projects or implementation plans already in place.
- Completing required environmental analysis for fuels reduction projects, which involves collaboration with interested parties during the project planning stages.
- Monitoring and evaluating the outcome projects for reducing hazardous fuels.
- Developing research projects to advance biomass technologies and identify markets.
- Aggressively collecting information on where and how to treat large-scale insect infestations.



A backing fire consumes dry vegetation in a prescribed burn unit at Stillwater National Wildlife Refuge, NV. 2002. Photo by John Wood, U.S. Fish and Wildlife Service.

## New Categorical Exclusions Support Vegetation Management

In addition to the project-planning tools authorized in HFI and HFRA, there are three new limited timber harvest categorical exclusion categories, which apply to vegetation management activities.

- Category 31.2(12) – Harvest of Live Trees
- Category 31.2(13) – Salvage of Dead and/or Dying Trees
- Category 31.2(14) – Sanitation Harvest to Control Insects or Disease

Coupled with existing categories found in FSH 1930.15.31b, there is now a wide range of planning tools available to district rangers and forest supervisors. As with all categorical exclusions, project specific requirements limit their use. These can be found at [http://www.fs.fed.us/im/directives/fsh/1909.15/id\\_1909.15-2004-1.doc](http://www.fs.fed.us/im/directives/fsh/1909.15/id_1909.15-2004-1.doc) and FSH 1909.15, Chapter 30.3, Interim Directives for Extraordinary Circumstances.



Poles from seed tree harvest. Compartment 94. USDA Forest Service, Conecuh National Forest, Andalusia, Alabama. January 1954. Photo by: Thomas C. Croker, USDA Forest Service.

Send YOUR questions or comments to

